

Item# 7B

**City of Carson City
Agenda Report**

Date Submitted: November 6, 2007

Agenda Date Requested: November 15, 2007

Time Requested: 5 minutes

To: Mayor and Board of Supervisors

From: Development Services - Planning Division

Subject Title: Action to introduce, on first reading, Bill No. _____, an ordinance amending Carson City Municipal Code Title 18 Zoning, Chapter 18.02, Administrative Provisions, Section 18.02.035, Commissions and Board Applications, modifying the application submittal deadline date for Planning Commission Applications, and modifying the time limits for obtaining a complete application for Planning Commission review, and other matters properly related thereto. (File ZCA-07-159)

Staff Summary: This proposed amendment to the Zoning Ordinance would modify the deadline date for Planning Commission applications and modify the time limits for obtaining a complete application for Planning Commission review.

Type of Action Requested:

☐ Resolution

☒ Ordinance - First Reading

☐ Formal Action/Motion

☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Planning Commission Action: Recommended approval October 24, 2007 by a vote of 6:0:1.

Recommended Board Action: I move to introduce, on first reading, Bill No. _____, an ordinance amending Carson City Municipal Code Title 18 Zoning, Chapter 18.02, Administrative Provisions, Section 18.02.035, Commissions and Board Applications, modifying the application submittal deadline date for Planning Commission Applications, and modifying the time limits for obtaining a complete application for Planning Commission review, and other matters properly related thereto.

Explanation for Recommended Board Action: The Board of Supervisors, pursuant to the Carson City Municipal Code, is required to take final action on all code amendments.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC Title 18 Zoning, Chapter 18.02, Section 18.05.035.

Fiscal Impact: N/A

Explanation of Impact: N/A

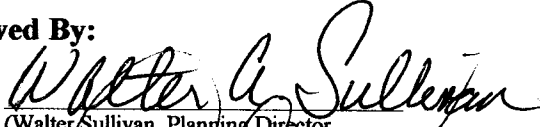
Funding Source: N/A

Alternatives: 1) Refer the matter back to Planning Commission for further review.
2) Deny

Supporting Material: 1) Ordinance
2) Case Record
3) Staff Report

Prepared By: Donna Fuller, Administrative Services Manager

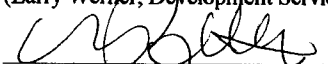
Reviewed By:


(Walter Sullivan, Planning Director)

Date: 11-05-07


(Larry Werner, Development Services Director/City Engineer)

Date: 11-05-07


(Linda Ritter, City Manager)

Date: 11-6-07


(District Attorney's Office)

Date: 11-6-07

Board Action Taken:

Motion: _____

1) _____
2) _____

Aye/Nay

(Vote Recorded By)

BILL NO. ____

ORDINANCE NO. 2007-_____

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.02, ADMINISTRATIVE PROVISIONS, SECTION 18.02.035, COMMISSION AND BOARD APPLICATIONS, MODIFYING THE APPLICATION SUBMITTAL DEADLINE DATE FOR PLANNING COMMISSION APPLICATIONS AND MODIFYING THE TIME LIMITS FOR OBTAINING A COMPLETE APPLICATION FOR PLANNING COMMISSION REVIEW, AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

The Board of Supervisors of Carson City, do ordain:

SECTION I:

That Chapter 18.02 (Administrative Provisions), Section 18.02.035 (Commission/Board Applications) of the Carson City Municipal Code is hereby amended as follows (**bold, underlined** text is added, [stricken] text is deleted):

18.02.035 Commission/Board Applications.

1. Application Deadline. [~~Should a person wish to apply~~] **An application** for a Variance, a Special Use Permit, a Zoning Map Amendment, a Master Plan Amendment, Zoning Code Amendment, an abandonment of street or easement, an amendment to this Title, a tentative subdivision or PUD map, or an appeal of an administrative decision[~~, a complete application for such~~] shall be filed with the Director no later than [~~42 days~~] **12:00 p.m. on the Thursday of the sixth week** prior to the Planning Commission meeting at which the application will be heard.
2. Determination of a Complete Application. Within three working days after the Commission or Board application deadline, the Director shall determine whether the application is complete and forward written notice to the applicant of the determination. If it is determined that the application is not complete, the written notice shall specify the application's deficiencies and describe the additional information required. The Director shall take no further action on the application unless the deficiencies are remedied. An incomplete application shall only be scheduled for Commission or Board review upon the submittal of a complete application pursuant to the provisions of this section. **An application may only be scheduled for Planning Commission review if the Director deems the application complete no later than 12:00 p.m. 33 days prior to the Planning Commission meeting.** If the Director fails to make a determination of completeness within three working days **after the Commission or Board application deadline** without the written concurrence of the applicant, the application is deemed complete. A determination of completeness shall not constitute a determination of compliance with other requirements of this title or NRS.

3. Processing of an Application. Following the determination of completeness of an application, the applicant shall tender the application fee. The Director shall review the application and prepare a report for the Commission or Board, as applicable, recommending approval, conditional approval, denial, or continuance for re-design. The Director shall schedule the application for public hearing within the time and in the manner required by this title, NRS, and administrative guidelines.
4. Official Filing Date. The time for processing and acting on Commission and Board applications as established by NRS or this title shall commence on the date that the application is deemed complete and the fees are paid. Material modifications of any application by the applicant following the filing of the application shall reestablish the time for processing and acting on the application upon the Director's determination that the modified application is complete.

SECTION II:

That no other provisions of Title 18 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____, 2007.

PROPOSED BY Supervisor _____

PASSED _____, 2007.

VOTE: AYES: _____

NAYS:

ABSENT:

MARV TEIXEIRA, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder

This ordinance shall be in force and effect from and after the _____ day of the month of _____ of the year 2007.

CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: October 24, 2007

AGENDA ITEM NO.: H-8

APPLICANT(s) NAME: Carson City

FILE NO. ZCA-07-159

PROPERTY OWNER(s): Carson City

ASSESSOR PARCEL NO(s): n/a

ADDRESS: n/a

APPLICANT'S REQUEST: Action to consider an ordinance amending the Carson City Municipal Code, Title 18, Zoning, Chapter 18.02, Administrative Provisions, Section 18.02.035, Commission/Board applications modifying the application submittal deadline date for Planning Commission applications and modifying the time limits for obtaining a complete application for Planning Commission review, and other matters properly related thereto.

COMMISSIONERS PRESENT: ☒ REYNOLDS

☒ VANCE

☐ BISBEE

☒ MULLET

☒ PEERY

☒ KIMBROUGH

☒ WENDELL

STAFF REPORT PRESENTED BY: Walt Sullivan

☒ REPORT ATTACHED

STAFF RECOMMENDATION: ☒ APPROVAL

☐ DENIAL

APPLICANT REPRESENTED BY: Staff

☒ APPLICANT/AGENT
PRESENT

☒ APPLICANT/AGENT
SPOKE

☐ APPLICANT/AGENT
NOT PRESENT

☐ APPLICANT/AGENT
DID NOT SPEAK

☐ PERSONS SPOKE IN FAVOR OF THE PROPOSAL

☐ PERSONS SPOKE IN OPPOSITION OF THE PROPOSAL

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

APPEAL PROCESS MENTIONED AS PART OF THE RECORD

MOTION WAS MADE TO RECOMMEND APPROVAL

☒ WITH THE FINDINGS AND CONDITIONS AS ENUMERATED ON THE STAFF REPORT

MOVED: Mullet SECOND: Vance PASSED: 6/AYE 0/NO 0/DQ 1/AB

SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: November 15, 2007

STAFF REPORT FOR PLANNING COMMISSION MEETING OF OCTOBER 24, 2007

FILE NO: ZCA-07-159

AGENDA ITEM: H-8

STAFF AUTHOR: Lee Plemel, AICP, Principal Planner

REQUEST: An ordinance amending Section 18.02.035, Planning Commission and Board Applications, to modify the Planning Commission application submittal and application completeness deadlines.

APPLICANT: Carson City Planning Division

RECOMMENDED MOTION: "I move to recommend to the Board of Supervisors approval of ZCA-07-159, an ordinance amending the Carson City Municipal Code, Title 18, Zoning, Chapter 18.02, Administrative Provisions, Section 18.02.035, Commission/Board Applications, modifying the application submittal deadline date for Planning Commission applications and modifying the time limits for obtaining a complete application for Planning Commission review, based upon the findings for approval contained in the staff report.

DISCUSSION:

During the 2007 Nevada Legislature session, Assembly Bill No. 558 was adopted adding language to NRS 278 requiring all governing bodies within the state to determine if a land use application is complete for further processing within three days of the submittal of the application. In August, the Planning Commission recommended approval of an ordinance to bring the Carson City Municipal Code into compliance with this new requirement.

After further review of the Planning Commission application submittal process, staff would like to make two minor modifications to the process to better facilitate city review of applications. The proposed amendment can be summarized as follows:

1. Move the Planning Commission application submittal deadline date forward one day, from Wednesday to Thursday of the sixth week prior to the Planning Commission meeting.
2. Establish an application completeness deadline date of the second Friday following the application submittal deadline date.

These changes give applicants an extra day to submit applications, but gives three fewer working days after the submittal deadline for applicants to submit additional information that may be required to make an application complete where their application has initially been deemed incomplete. Refer to the calendars on Attachment A to see how the application submittal schedule worked prior to the NRS changes, currently, and as proposed.

The application completeness deadline gives an applicant time to submit additional information that may be needed after the initial application submittal in order for the application to still be processed on schedule. Note that the proposed application completeness deadline is three working days earlier than prior to the recent changes to NRS. This is in order to give Planning staff and other City departments adequate time to evaluate, review and comment on the application materials after they are deemed complete, which has been an issue particularly with other departments in the past. The proposed noon deadline gives staff adequate time to assemble packets for distribution by 9:00 a.m. the following working day in order for other City departments to have adequate review time.

PUBLIC COMMENTS: Public notices were published in the newspaper for the Zoning Code Amendment in accordance with the provisions of NRS and CCMC 18.02.045. As of October 15, 2007, no public comments have been received. Any comments that are received after this report is completed will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS:

No written comments from any other city department comments were received.

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.075 (Zoning Code Amendments).

FINDINGS: Staff provides the following alternative findings for approval or denial pursuant to the Carson City Municipal Code Section 18.02.075(5), Zoning Map Amendments.

1. ***The proposed amendment is in substantial compliance with the goals, policies and action programs of the Master Plan.***

Rationale: The proposed Zoning Code Amendment is in substantial compliance with the goals, policies and action programs of the Master Plan by bringing the provisions of the specific sections of the code into conformance with NRS and better facilitating the review of land use applications.

2. ***The proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.***

Rationale: The proposed amendments make no changed to the code that would have an impact on permitted uses. The proposed changes are for code consistency and are primarily procedural in nature. Therefore, the proposed amendments will have no detrimental impacts to properties within Carson City.

3. ***The proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.***

Rationale: The proposed amendments will have no impact on existing or planned public services or facilities since the changes are merely administrative in nature and will have no impact on any physical facilities within the city.

Attachments:

- A) Application Processing Calendars
- B) Draft ordinance

Respectfully submitted,

PLANNING DIVISION



Lee Plemel, AICP, Principal Planner

Application Processing Calendars

Before NRS Changes (Oct. 1, 2007)

Mon.	Tues.	Wed.	Thur.	Fri.
		Submittal deadline		
	Staff review meeting	Initial complete-ness mtg.		
		Complete-ness deadline		
			NOPH to Appeal	Public notices sent
City dept. comments due				
	Finalize staff reports		PC Packets	
		PC Meeting		

Current Schedule

Mon.	Tues.	Wed.	Thur.	Fri.
		Submittal deadline		Staff review meeting
Initial complete-ness mtg.				Complete-ness deadline (Policy)
			NOPH to Appeal	Public notices sent
City dept. comments due				
	Finalize staff reports		PC Packets	
		PC Meeting		

Proposed Schedule

Mon.	Tues.	Wed.	Thur.	Fri.
			Submittal deadline 12 PM	
Staff review meeting	Initial complete-ness mtg.			Complete-ness deadline 12PM
			NOPH to Appeal	Public notices sent
City dept. comments due				
	Finalize staff reports		PC Packets	
		PC Meeting		